

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF MICHIGAN  
SOUTHERN DIVISION

ESURANCE PROPERTY AND  
CASUALTY INSURANCE  
COMPANY,

Plaintiff,

Civil Case No. 21-11523  
Honorable Linda V. Parker

v.

ANGELA DAVIS,  
VITAL COMMUNITY CARE P.C.,  
FERNDALE REHABILITATION  
CENTER, LLC, AFFILIATED  
DIAGNOSTICS LLC, WINFIELD  
MEDICAL SOLUTIONS, LLC, and  
UNITED LAB RX, LLC.

Defendants.

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**OPINION AND ORDER DISMISSING COMPLAINT WITHOUT  
PREJUDICE**

Plaintiff filed this lawsuit against Defendants on June 29, 2021, asserting diversity jurisdiction under 28 U.S.C. § 1332(a). (ECF No. 1 at Pg ID 3, ¶ 10.) On July 8, 2021, this Court entered an order requiring Plaintiff to show cause, in writing, as to why the action should not be dismissed without prejudice for lack of diversity jurisdiction. (ECF No. 4.) Plaintiff's pleading alleged that it and one defendant, Winfield Medical Solutions, LLC, are California citizens (ECF No. 1 at Pg ID 3, ¶¶ 1, 7), and diversity jurisdiction is lacking if any plaintiff and any

defendant are citizens of the same state, *see id.* § 1332(a). Moreover, Plaintiff failed to allege facts to determine the citizenship of the unincorporated entities named as Defendants.

Plaintiff's response to the show cause order was due on or before July 22, 2021. (*See* ECF No. 4 at Pg ID 92.) Plaintiff failed to respond.

Accordingly,

**IT IS ORDERED** that Plaintiff's Complaint is **DISMISSED WITHOUT PREJUDICE** for lack of subject matter jurisdiction.

**IT IS SO ORDERED.**

s/ Linda V. Parker  
LINDA V. PARKER  
U.S. DISTRICT JUDGE

Dated: July 26, 2021